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Attorneys for Defendant  
LEXAR MEDIA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JENS ERIK SORENSEN, as Trustee of  
SORENSEN RESEARCH AND  
DEVELOPMENT TRUST,

Plaintiff,

v.

LEXAR MEDIA, INC., a Delaware corporation;  
and DOES 1 - 100,

Defendants.

Case No. C08-00095 JW RS

DECLARATION OF JOSEPH H. LEE IN  
SUPPORT OF DEFENDANT LEXAR  
MEDIA'S REPLY IN SUPPORT OF ITS  
MOTION TO STAY THIS LITIGATION  
PENDING THE OUTCOME OF  
REEXAMINATION PROCEEDINGS

I, Joseph H. Lee, declare:

1. I am an associate at the law firm of Weil, Gotshal & Manges LLP, attorneys for defendant Lexar Media, Inc. in the above-captioned matter. Unless otherwise stated herein, I have personal knowledge of the facts stated in this declaration and, if called upon by a court of law to do so, could and would testify competently to them.

2. The U.S. Patent and Trademark Office ("PTO") issues an Electronic Official Gazette ("eOG:P") each week which contains, among other things, a list of all reexamination certificates issued for that week. The eOG:Ps can be found at <http://www.uspto.gov/web/patents/patog/> and the list of ex parte reexamination certificates issued for a given week can be found by clicking on that week, clicking Continue, clicking on Browse

1 Granted Patents, and then clicking on Ex Parte Reexaminations. On April 18, 2008, I visited the  
2 eOG:P page and totaled the number of reexamination certificates that had been issued in the first  
3 16 weeks of 2008. This total was 130. A projection for the total number of reexamination  
4 certificates issuing for 2008 can be determined by dividing 130 by 16 to get an average number of  
5 reexamination certificates issued per week, then multiplying by 52, the number of weeks in a  
6 year. Based on the 130 reexamination certificates issued in the first sixteen weeks of 2008, the  
7 total number of reexamination certificates for 2008 projects to be 422.

8 3. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's  
9 Opposition to Defendant Digital Networks North America, Inc.'s Motion for Stay filed  
10 December 27, 2007 in the case of *Sorenson v. Digital Networks North America, Inc.*, U.S.D.C.  
11 Northern District of California, Case No. 07-CV-05568 JSW.

12 4. Attached hereto as Exhibit B is a true and correct copy of Opposition to  
13 Defendant's Motion to Stay Pending Outcome of Reexamination Proceedings dated  
14 January 25, 2008 in the case of *Sorenson v. Giant International (USA) Ltd.*, U.S.D.C. Southern  
15 District of California, Case No. 07-CV-02121-BTM-CAB.

16 5. Attached hereto as Exhibit C is a true and correct copy of Opposition to  
17 Defendant's Motion to Stay Pending Outcome of Reexamination Proceedings dated  
18 February 8, 2008 in the case of *Sorenson v. Helen of Troy et al.*, U.S.D.C. Southern District of  
19 California, Case No. 07-CV-02278-BTM-CAB.

20 6. Attached hereto as Exhibit D is a true and correct copy of Order on  
21 Defendant's Renewed Motion to Stay dated March 10, 2007 in the case of *Blackboard Inc. v.*  
22 *Desire2Learn, Inc.*, U.S.D.C. Eastern District of Texas, Civil Action No. 9:06CV155.

